IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 495 OF 2007.

Urmila Appasaheb Sawant & others. ... Appellants.

Versus.

Hajarat Mhamula Desai. ... Respondent.

Shri B.J.Jageje for the Appellants.

CORAM : ABHAY S.OKA, J.

DATED : 22nd February, 2007.

P.C.:

1. Heard the learned Advocate appearing for the Appellants. The learned Commissioner for Workmen's Compensation has passed an order directing the Appellants to pay compensation. The Appellants have been directed to pay compensation in their capacity as employers. The Appellants have been directed to pay Rs.67,780/- together with interest thereon at the rate of 6% per annum. Admittedly the Appellants have not deposited the component of interest payable as per the impugned judgment and order. In view of the proviso to section 30 of the Workmen's Compensation Act, 1923, the Memorandum of Appeal could not have been accepted by the office as the same was not accompanied by the certificate by the Commissioner to the effect that the Appellants had deposited the entire amount payable under the order appealed against.

2. Time of three weeks is granted to the Appellants to produce the certificate. If compliance is not made within stipulated time, the Appeal will stand dismissed for non-prosecution without further reference to the Court. If compliance is made within the stipulated time, the office will place the Appeal for admission on 20th March 2007.

Judge.